

Remarks

Claims 1-21 are pending in the application, and stand rejected.

The drawings were objected to. Withdrawal of the objection is respectfully requested in view of the formal drawings submitted herewith.

The specification was objected to. Withdrawal of the objection is respectfully requested. The noted equation is not incomplete. Instead, due to the line spacing of the specification, the numerators of the equation are at the bottom of page 12 and the denominators are at the top of page 13. It is believed that this situation will be corrected at such time as a patent issues and the specification is reformatted for publication.

Claim 15 was rejected under 35 USC 112, second paragraph, as setting forth a mathematical expression that does not correspond in scope with the Applicant's disclosure. Withdrawal of this rejection is respectfully requested. It is well-settled that the claims as originally filed form part of the disclosure. Therefore, claim 15 is in effect its own supporting disclosure.

Claims 1-21 were rejected under 35 USC 103(a) as being unpatentable over Biggs et al. (US 6,301,970) (hereafter, "Biggs"). The Applicant respectfully traverses. Biggs does not support the asserted rejection for at least the reason that Biggs is silent regarding determining accelerated stress testing data as claimed.

The Examiner recognizes that Biggs does not disclose determining accelerated stress testing data, but contends that this feature would have been obvious. However, it is noted that the CAFC has held that "[t]he mere fact that the prior art may be modified in the manner suggested by the Examiner does not make the modification obvious unless the prior art suggested the desirability of the modification." In re Fritch, 972 F.2d 1260, 1266 (Fed. Cir. 1992). Here, there is no such suggestion in the prior art. Biggs only discloses estimating damage to a polymeric material structure by applying a mathematical model to a "load history" of the structure.

The Examiner cites col. 2, lines 47-57 and col. 3, line 66 to col. 4, line 2 as support for the contention that the noted claim feature would have been obvious. The Applicant respectfully disagrees. The cited passages say nothing about accelerated stress testing data. It is only by impermissible reference to the Applicant's own

disclosure that any such suggestion can be found. Therefore, claim 1 is allowable over Biggs.

Claims 2-21 depend on claim 1 and consequently incorporate its features. Therefore, claims 2-21 are similarly allowable over Biggs for at least the reasons discussed in connection with claim 1. Withdrawal of the rejection of claims 1-21 as unpatentable over Biggs is therefore respectfully requested.


Claims 1-21 were further rejected under 35 USC 101 as being directed to non-statutory subject matter. The Applicant respectfully traverses. Claim 1 recites a new and useful method that is not purely a mathematical algorithm. Consider, for example, "determining accelerated stress testing data ..." as recited in claim 1. Such determining of accelerated stress testing data could include the physical acts of applying various stress regimens to a product. See, for example, the present specification at page 6, lines 16-21, wherein it is described how multiple axis vibrational tests, rapid temperature transitions, high/low temperature limits, voltage margining and the like may be applied to a product to determine its stress limits. Accordingly, claims 1-21 recite statutory subject matter. Withdrawal of the rejection of claims 1-21 under 35 USC 101 is therefore respectfully requested.

In light of the above discussion, Applicant respectfully submits that the present application is in all aspects in allowable condition, and earnestly solicits favorable reconsideration and early issuance of a Notice of Allowance.

The Examiner is invited to contact the undersigned at (202) 220-4323 to discuss any matter concerning this application. The Office is authorized to charge any fees related to this communication to Deposit Account No. 11-0600.

Respectfully submitted,

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